

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION

<input checked="" type="checkbox"/>	Resolution or Ordinance (Blue)
<input type="checkbox"/>	Recommendations of Boards, Commissions & Committees (Green)
<input type="checkbox"/>	Other Business (Pink)

Waiver of First requested

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A Huliseberg, Village Manager

DATE: July 17, 2009 (B of T) Date: August 20, 2009

TITLE: Business License Amendments
Going Out of Business Sales

SUBMITTED BY: Timothy K. Sexton
Director of Finance

BACKGROUND/POLICY IMPLICATIONS:

In accordance with 815 ILCS 350/0.01 et seq., State Statute mandates the licensing of going out of business sales. Attached is an Ordinance Amending Title 11, Chapter 120 of the Lombard Village Code in regard to Going Out of Business Sales.

FISCAL IMPACT/FUNDING SOURCE:

\$75.00 fee per license.

Village Attorney	_____	Date	7/17/09
Finance Director	<i>Timothy K. Sexton</i>	Date	7/29/09
Village Manager	<i>David A. Huliseberg</i>	Date	7/29/09

No person, firm, corporation or partnership shall directly or indirectly advertise or cause to be advertised, represent or cause to be represented, or hold out to the public in any manner that any sale of goods is an insurance, salvage, removal, going out of business, insolvent's, assignee's or creditor's sale of goods, or that it is a sale of goods which have been damaged by fire, smoke, water or otherwise, unless such person, firm, corporation or partnership shall first have obtained a license to conduct such sale under one of such descriptive names, from the Village Clerk pursuant to the Fraudulent Sales Act, 815 ILCS 350/0.01 et seq. (the "Act"). Application for said license shall be made pursuant to the completion of an application form to be supplied by the Village Clerk. In accordance with the Act, the fee for an initial sixty (60) day license shall be seventy-five and no/100 dollars (\$75.00), and the fee for a thirty (30) day renewal of said initial sixty (60) day license shall be seventy-five and no/100 dollars (\$75.00). Notwithstanding the foregoing, the aforementioned licensing requirement shall not apply to any sales directly ordered by any court or referee in bankruptcy, or to any person, firm, corporation or partnership acting under the direction and supervision of state or federal courts in the course of their official duties, or to any sales by a person, firm, corporation or partnership regularly engaged in insurance or salvage sales of goods, or sale of goods which have been damaged by fire, smoke, water or otherwise, who acquired the goods for the account of others as a result of fire or other casualty."

"§ 120.60 GOING OUT OF BUSINESS SALES.

follows:

amended by adding a new Section 120.60 thereto, which shall read in its entirety as

SECTION 1: That Title 11, Chapter 120 of the Lombard Village Code is

Lombard, DuPage County, Illinois, as follows:

BE IT ORDAINED by the President and Board of Trustees of the Village of

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 120
OF THE LOMBARD VILLAGE CODE
IN REGARD TO GOING OUT OF BUSINESS SALES**

ORDINANCE NO. _____

SECTION 2: This Ordinance shall be in full force and effect from and after its

passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2009.

First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

Passed on second reading this _____ day of _____, 2009, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2009.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2009.

Brigitte O'Brien
Village Clerk

VILLAGE OF LOMBARD
APPLICATION FOR "GOING OUT OF BUSINESS SALE" LICENSE
PURSUANT TO 815 ILCS 350/0.01 et seq.

Instructions: Please type or print legibly all answers. Attach all required documents and submit with the \$75.00 application fee.

SECTION 1: TYPE OF LICENSE

Initial sixty (60) day license _____

Renewal license – thirty (30) days [only one (1) renewal
allowed and no additional inventory may be added] _____

SECTION 2: INFORMATION ABOUT APPLICANT *Note: Applicant must be the owner of goods.*

Name: _____

Street Address: _____

City, State, Zip Code: _____

Phone Number: _____

If applicant is a partnership, corporation, firm or association, include the following information relative to the individual completing this application:

Name: _____

Position: _____

SECTION 3: INFORMATION ABOUT THE SALE

Name of Sale: _____

Type of Sale (check one): _____
Removal _____
Going Out Of Business _____

Goods Damaged by Fire/Smoke/etc. _____

Address of Sale Location: _____

City, State, Zip: _____

Date(s) of Sale: _____

Hours Sale will be Conducted: _____

Person(s) In-Charge of Sale: _____

Name: _____

Address: _____

City, State, Zip Code: _____

Phone Number: _____

E-Mail Address: _____

The undersigned hereby acknowledges and understands that no goods may be added to the inventory after this application is made or during the sale. Furthermore, the undersigned represents that none of the goods for sale were received on consignment. Completion of this application, and the placing of your signature hereon, evidences your understanding of the foregoing.

All goods must be itemized and each item must include: (1) its make and brand or other sufficient description of the item; (2) the amount the applicant purchased the item for; (3) the name and address of the person or company who sold the item to the applicant; (4) the date the applicant purchased the item; and (5) the date the item was delivered. Additionally, list separately any and all goods that were purchased within sixty (60) days of filling out this application. Also include the total value of the inventory.

B. Attach as Exhibit 2 a full, detailed and complete inventory of all goods for sale, including the following information:

_____ **Going out of Business:** Upon the termination of the sale, all business at such premises will be discontinued

_____ **Removal Sale:** Upon the termination of the sale, all business at such premises will be discontinued. The business will be moved to _____

_____ **Damaged Goods Sale:** The goods for sale were damaged by _____

_____ on _____ at _____ (insert date and time) _____ (insert location)

A. Attach a written statement explaining the need for the sale, the descriptive name of the sale (i.e., "closing out sale," "liquidation sale") and an explanation as to why such name is an accurate and truthful description of the sale. Label this attachment Exhibit 1. Additionally, in accordance with the type of sale, check one of the following statements:

Name: _____
 Address: _____
 City, State, Zip Code: _____
 Phone Number: _____
 E-Mail Address: _____

Name: _____
 Address: _____
 City, State, Zip Code: _____
 Phone Number: _____
 E-Mail Address: _____

SECTION 4: APPLICANT'S PAST DEALINGS

[NOTE: This section does not apply to applicants who acquired the goods being sold through: (1) being an heir, legatee or surviving joint tenant; (2) being an executor, administrator, trustee or guardian; or (3) pursuant to an order or process of a court of competent jurisdiction.]

UPON SIGNING THIS APPLICATION, APPLICANT IS ASSERTING THAT THERE IS A PLACE OF BUSINESS WITHIN THE VILLAGE OF LOMBARD IN WHICH GOODS HAVE BEEN AVAILABLE FOR SALE OR SOLD FOR AT LEAST FOUR (4) MONTHS PRIOR TO THIS APPLICATION.

WARNING TO APPLICANT. THIS APPLICATION MUST BE FULLY AND ACCURATELY COMPLETED. FALSE OR MISLEADING STATEMENTS MAY SUBJECT APPLICANT TO THE PENALTIES OF PERJURY IN ADDITION TO OTHER PENALTIES PROVIDED BY LAW.

The undersigned, being first duly sworn on oath, hereby represents and states that the information provided in and with this application is true and correct.

Signature of Applicant: _____
Date: _____

Subscribed and sworn to before
me this _____ day of _____, 20____.

Notary Public